

## REMARKS

Reconsideration of the present application as amended is requested.

In the specification, the section FIELD OF INVENTION on page 1 has been deleted.

In the specification, the sentence on page 2 referring to the primary object of the invention under SUMMARY OF THE INVENTION has been canceled.

In the first Office Action, Claims 1-6, 9-17 and 19-20 were rejected for lack of novelty over Sugama et al.

The examiner bears the burden of establishing a *prima facie* case of anticipation. *In re King*, 801 F.2d 1324, 1327, 231 USPQ 136, 138-139 (Fed. Cir. 1986). Each claim in issue must first be correctly interpreted to define the scope and meaning of each limitation. *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994). The prior art reference must disclose each element of the claimed invention, as correctly interpreted, and as “arranged in the claim.” *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984).

Independent Claim 1 has been amended to incorporate the limitations of Claim 2, and Claim 2 has been canceled. Claims 4-7 and 10 have also been canceled. Amended Claim 1 now requires that the first holder be made of a ribbonizing web material. In Sugama et al., optical fibers 12A are laid in grooves 11A formed in a substrate 11 comprising a rectangular *block* of plastic, metal or ceramic material. Accordingly, withdrawal of the anticipation rejection of amended Claim 1, along with Claims 3, 8 and 9 which depend therefrom is requested.

Independent Claim 11 as originally filed requires a plurality of optical subassemblies (OSAs) each optically coupled to a corresponding one of the second terminal portions of the second segments. The examiner is incorrect in stating that “holder 13 [of Sugama et al.] comprises a plurality of optical subassemblies.” Substrates 13 of Sugama et al. are similar to substrates 11 and have a plurality of grooves similar to grooves 11A for holding optical

fiber strands 12A. As used in Applicant's specification, the terms "optical subassembly" and "(OSA)" refer to a device that includes either a photoemitter or a photodetector supported in a built-up structure (e.g. see Applicant's Figs. 5-8) that allows it to be aligned with, and optically coupled to, an optical fiber. Accordingly, withdrawal of the lack of novelty rejection of Claims 11-17 and 19 over Sugama et al. is requested.

Independent method Claim 20 has been canceled.

New independent Claim 21 is directed to the embodiment of Fig. 3. More specifically, Claim 21 requires common housing assembly surrounding the first and second segments of the optical fibers except for the first and second terminal portions. Claim 21 further requires a plurality of alignment pins that extend from at least one end of the housing assembly. Claim 21 further requires a plurality of optical subassemblies (OSAs) arranged in an array, each OSA being optically coupled to a corresponding one of the second terminal portions of the second segments.

New independent Claim 22 is directed to the embodiment of Fig. 4. New Claim 22 is similar to Claim 21, except that instead of the OSAs, the former requires a plurality of ferrules, each secured around a corresponding one of the second terminal portions of the second segments.

In the first Office Action, the examiner rejected Claims 7, 8 and 18 stating that the addition of alignment pins on the common housing and ferrules around the second terminal portions would have been obvious in light of Sugama et al. because these features are allegedly "well known in the art."

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As stated in MPEP §2144.03:

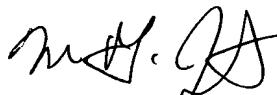
It is never appropriate to rely solely on “common knowledge” in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (“[T]he Board cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, the Board must point to some concrete evidence in the record in support of these findings.”).

The obviousness rejection of Claim 7 over Sugama et al. is moot since Claim 7 has been canceled.

Applicant respectfully traverses the examiner's assertion that it would have been obvious to one having ordinary skill in the art to provide alignment pins on the substrate 11 of Sugama et al. and to provide ferrules around the second terminal portions of the optical fibers 12A of Sugama et al. because these features are allegedly well known in the art. “Well known” and “common knowledge” are interchangeable concepts so far as the examiner’s obviousness rejections are concerned. *Zurko* requires the examiner to cite references or provide his own factual affidavit in support of his assertion. In the absence of a *prima facie* case of obviousness, Claims 8, 18, 21 and 22 are allowable. In addition, with respect to new Claim 21, there is no teaching or suggestion in Sugama et al. to optically couple a plurality of optical subassemblies (OSAs) to the second terminal portions of the optical fibers 11A. Further, with respect to new Claim 22, there is no teaching or suggestion in Sugama et al. to secure a plurality of ferrules around the second terminal portions of the optical fibers 11A. For the foregoing reasons, independent Claims 21 and 22 are believed to be allowable.

The Commissioner is authorized to charge Deposit Account No. 50-1078 for the required fee of \$84.00 for one additional independent claim.

Respectfully submitted,

 9/14/04  
By: Michael H. Jester  
Attorney for Applicant  
Registration No. 28,022